

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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AUG 30 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Stamping Ground and)
Nicholasville, Kentucky))

MM Docket 95-28
RM-8593
RM-8696

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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REQUEST TO WITHDRAW COUNTERPROPOSAL

Mortenson Broadcasting Company of Kentucky, L.L.C. ("MBC"), by its counsel, hereby requests that it be permitted to withdraw its counterproposal to allot Channel 240A to Nicholasville, Kentucky. MBC has decided to withdraw its proposal as a result of negotiations with Scott County Broadcasting, Inc. ("Scott"), the other party to this proceeding. No other party has expressed an interest in filing for Channel 240A at Nicholasville. Accordingly, the only proposal left for consideration is the substitution of Channel 241A for Channel 256A at Stamping Ground, Kentucky, and modification of Station WKYI's license accordingly.

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MBC supports the Stamping Ground proposal as a result of those negotiations whereby, upon Commission approval and implementation by Scott of the channel change and increase to 6 kW power or the equivalent, MBC will have the opportunity to enter into a time brokerage agreement to offer programming and sell advertising time on WKYI.

The appropriate certifications are provided by the parties pursuant to Sec. 1.420(j). MBC has not and will not receive any payment for its withdrawal. As discussed, the only reason MBC has decided to withdraw is merely the opportunity to enter into a time brokerage agreement after the changes are made.

Thus, MBC's withdrawal complies with the Commission's prohibition on withdrawing proposals for consideration.

Respectfully submitted,
**MORTENSON BROADCASTING COMPANY
OF KENTUCKY, L.L.C.**

By: 
Mark N. Lipp

Mullin, Rhyne, Emmons and Topel, P.C.
1225 Connecticut Ave., N.W.--Suite 300
Washington, D.C. 20036-2604
(202) 659-4700

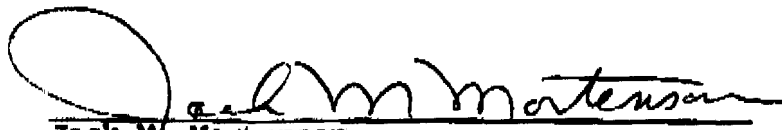
Its Counsel

August 30, 1996

CERTIFICATION

I, Jack M. Mortenson, President of Mortenson Broadcasting Company of Kentucky, L.L.C., filed a rule making petition to allot Channel 240A to Nicholasville, Kentucky. I have agreed to withdraw this petition in order to support the proposal of Scott County Broadcasting, Inc., to substitute Channel 241A for Channel 256A at Stamping Ground, Kentucky. I have received no payment nor been promised any payment in exchange for my withdrawal. However, upon Commission approval of the Stamping Ground proposal and grant of an application for the modified facility, I intend to enter into a time brokerage agreement with Scott County Broadcasting, Inc., to offer programming for broadcast on that station. Any money received in connection with the time brokerage agreement will relate entirely to my efforts to sell advertising time on Station WKYI should I enter into a time brokerage agreement and not from my withdrawal of the Nicholasville proposal. I further certify that the Nicholasville proposal was not filed for the purpose of obtaining a settlement.

I hereby certify that these statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.


Jack M. Mortenson
President
Mortenson Broadcasting Company
of Kentucky, L.L.C.

Date: Aug 28-1996

CERTIFICATION

I, James P. Gray, President of Scott County Broadcasting, Inc., licensee of station WKYI(FM) Stamping Ground, Kentucky, hereby state as follows:

1) Scott County Broadcasting, Inc., has petitioned the Commission for rule making to modify facilities for station WKYI to specify Channel 241A.

2) As a counterproposal to WKYI's rule making, Mortenson Broadcasting Company of Kentucky, L.L.C., requested that the Commission allot a new FM channel at Nicholasville, Kentucky.

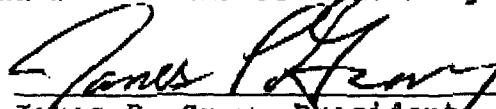
3) Mortenson Broadcasting Company has advised that it is withdrawing its counterproposal.

4) Upon withdrawal, WKYI's proposal for Channel 241 will be unopposed and may be granted by the Commission.

5) In exchange for the withdrawal of the counterproposal, neither Scott County Broadcasting, nor any of its principals has paid or will pay money or other consideration to Mortenson Broadcasting Company other than the option to supply programming to Station WKYI(FM) Stamping Ground, Kentucky, after the Commission authorizes and WKYI implements the proposed facilities upgrade.

6) The proposed local marketing agreement will be a negotiated arms length arrangement with all of the normal and customary terms reserving control of WKYI to Scott County Broadcasting. The only consideration which I will supply under such a marketing arrangement is bulk programming time for which WKYI will be compensated at a negotiated arms-length rate.

I certify that this statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.



James P. Gray, President
Scott County Broadcasting., Inc.

Date: 8/27/96

CERTIFICATE OF SERVICE

I, Marianne Metz, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that I have this 30th day of August, 1996, sent by first-class U.S. mail, postage prepaid, copies of the foregoing "REQUEST TO WITHDRAW COUNTERPROPOSAL" to the following:

- * Mr. John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W. -- 5th Floor
Washington, D.C. 20554

- * Ms. Sharon P. McDonald
Allocations Branch -- Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W. -- Room 569
Washington, D.C. 20554

- Mr. James P. Gray, President
Scott County Broadcasting, Inc.
10 Trinity Place
Fort Thomas, KY 41075

Marianne Metz

Marianne Metz

* hand-delivered